

No. 03-4480

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WARREN V. TINCH,

Petitioner-Appellant,

v.

HARRY RUSSELL, Warden,

Respondent-Appellee.

FILED

APR 13 2004

ORDER

LEONARD GREEN, Clerk

1:01 cv 162

04 APR 14 PM 1:27

FILED
JAMES DONNIN
CLERK

Warren V. Tinch appeals pro se from a district court judgment that dismissed his habeas corpus petition filed 28 U.S.C. § 2254. The receipt of his notice of appeal has been construed as an application for a certificate of appealability under Fed. R. App. P. 22(b)

To obtain a certificate of appealability, Tinch must make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). A review of the record shows that Tinch has not met that burden here.

Accordingly, the application for a certificate of appealability is denied.

ENTERED BY ORDER OF THE COURT

Leonard Green
Clerk

A TRUE COPY

Attest:

LEONARD GREEN, Clerk

By

L. Green
Deputy Clerk